

**STATE OF VERMONT
BOARD OF NURSING**

In re: Rachel Janet Stebbins
License No. 025-8449

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Docket No. 2009-393 (LPN)

**Decision on
UNPROFESSIONAL CONDUCT CHARGE**

Participating Board Members:

Jeanine Carr, RN, Vice Chair
Alan Weiss
Sandra Norton, LNA
Donarae Metcalf, LPN
De-Ann Welch, LPN
Deborah Swartz, RN
John Todd, APRN

Decision on Unprofessional Conduct Charges

Appearances:

for Petitioner, State of Vermont: Edward G. Adrian
for Respondent: Pro se

Presiding Officer: Larry S. Novins

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER**

The Vermont Board of Nursing held a hearing in the above matter on January 10, 2011 at the National Life Building in Montpelier, Vermont.

The prosecution has the burden of proof in this matter. To prevail on any unprofessional conduct charge, it must prove the charge by a preponderance of the evidence.

Background

The prosecution alleges in its Specification of Charges that Ms. Stebbins in violation of Vermont Statutes failed to disclose convictions on her license renewal.

Findings of Fact

Based on the evidence presented, the Board finds as follows:

1. Ms. Stebbins is licensed as a practical nurse and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 26 V.S.A. § 1582(a), the Administrative Rules of the Board of Nursing, and the Rules of the Office of Professional Regulation.
2. On January 10, 2008 Ms. Stebbins applied to renew her lapsed license.
3. Ms. Stebbins renewal application asked, "Since you were originally licensed or since you completed your last renewal application, have you been convicted of a crime other than a minor traffic violation?" The application form specifies that "Driving While Intoxicated and Driving Under the Influence are not 'minor traffic violations.'") If 'yes,' you must provide a detailed written explanation and attach the official court documents."
4. On November 28, 2006 Ms. Stebbins was convicted of Vehicle Operation - License Suspended OSC, a violation of 23 V.S.A. § 674(a)(2). This offense is a misdemeanor criminal offense, not a minor traffic violation.
5. On January 29, 2007 Ms. Stebbins was convicted of Vehicle Operation - License Suspended OSC, a violation of 23 V.S.A. § 674(a)(2). This offense is a misdemeanor criminal offense, not a minor traffic violation.
6. On June 18, 2008 Ms. Stebbins was convicted of Resisting Arrest in violation of 13 V.S.A. § 13 V.S.A. § 3017(a)(1), misdemeanor criminal offense.
7. Ms. Stebbins did not disclose these convictions on her 2010 renewal application. The information on her application was false.
8. Respondent is currently employed and there is no know complaint about the quality of her work.
9. There is no indication that her conduct has in any way caused any patient harm.
10. Respondent's failure to disclose the convictions on her application was intentional and false.

Conclusions of Law

Based on the evidence presented and Facts found above we conclude as follows:

1. **Re: Alleged Violation of 26 V.S.A. § 1582(a)(1):** The State has proved by a preponderance of the evidence that Ms. Stebbins has made or caused to be made a false statement or representation in renewing a license to practice nursing. This is unprofessional conduct. 3 V.S.A. § 129a(a)(3).
2. **Re: Alleged Violation of 3 V.S.A. § 129a(a)(1):** The State has proved by a preponderance of the evidence that Ms. Stebbins engaged in deceptive procurement or use of a license. This is unprofessional conduct.
3. **Re: Alleged Violation of 3 V.S.A. § 129a(b)(2):** The State has not proved by a preponderance of the evidence that Ms. Stebbins failed to practice competently. We do not find that Ms. Stebbins's conduct as found above constituted a failure to conform to the essential standards of acceptable and prevailing practice. This charge is dismissed.]
4. **Re: Alleged Violation of 26 V.S.A. § 129a(a)(3):** 3 V.S.A. § 129a(a)(3) defines unprofessional conduct to include failing to comply with provisions of federal or state

statutes or rules governing the practice of the profession. Any allegation of failure to comply with statutes or rules has been addressed above. This statute does not provide an independent grounds for discipline. There is no violation of this statute. This charge is dismissed.

Order

For the violations above, to protect the public, health, safety and welfare, the following sanction is necessary.

Ms. Stebbins's license is **reprimanded**, effective the date of this decision.

APPEAL RIGHTS

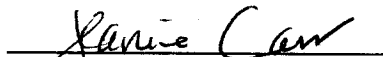
This is a final administrative determination by the Vermont Board of Nursing. A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, Office of Professional Regulation, National Life Bldg., North, FL2, Montpelier, Vermont 05620-3402 within 30 days of the entry of this Order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By:


Jeanine Carr, RN, Vice Chair

Date January 10, 2011

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 1/11/11